



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,179	10/28/2003	Steven E. Curtis	135796	4289

7590

07/26/2005

John S. Beulick  
Armstrong Teasdale LLP  
Suite 2600  
One Metropolitan Square  
St. Louis, MO 63102

EXAMINER

MILLER, PATRICK L

ART UNIT PAPER NUMBER

2837

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/695,179	<b>Applicant(s)</b> CURTIS, STEVEN E.	
	<b>Examiner</b> Patrick Miller	<b>Art Unit</b> 2837	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 June 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☒ Applicant's reply has overcome the following rejection(s): 103(a) rejections for claims 1,4,7,12,22,23,25-35.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: 1,4,7,12,22,23 and 25-35.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 19-21 and 24.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
 13. ☒ Other: See Continuation Sheet.

*Patrick Miller*

*Marlon T. Fletcher*  
 MARLON T. FLETCHER  
 PRIMARY EXAMINER

Continuation of 13. Other:

The applicant's arguments with respect to claims 1, 4, 7, 12, 22, 23, 25-35 are persuasive. In particular, the applicant argues that the prior art references do not disclose the feed forward signal being dependent upon the forcing function and effective to increase a detection threshold for collision stimulus at monitoring point M. The examiner agrees only with this argument because the prior art references do not increase a detection threshold at point M as defined by the examiner in the rejection.

With respect to claims 19, 20, 21, and 24, the applicant's arguments are not persuasive. The applicant argues that Tomita (6,784,632) does not describe a collision as recited in claim 19, but rather merely describes the disturbance as a deviation from a position. Additionally, the applicant argues that Tomita does not reduce the level of aggressiveness for responding to the collision (arguments, page 8). The examiner disagrees. First, Tomita discloses a disturbance entered affecting a servo system (Fig. 10, Td). A disturbance is a broad term and includes a collision. Therefore, Tomita does disclose a collision as claimed. Additionally, Tomita discloses adjusting the responsiveness of the system based on an input signal and a collision signal (see Fig. 11). The examiner interprets responsiveness as being the same as aggressiveness. Also,  $\theta(r)$  is the input control signal and Td is the collision. Thus, when a collision is present, this lowers the disturbance response because the response depends only on the denominator of the transfer function. I.e., when Td is present, this makes the denominator of the transfer function larger, which reduces the response. Therefore, Tomita does disclose the limitations of claim 19, and the examiner maintains the rejection to Tomita for this claim. Accordingly, since the applicant argues only that claims 20, 21, and 24 are patentable because they depend from claim 19, the examiner maintains the rejections to these claims as well. See final rejection for rejection of claims 19, 20, 21, and 24 to Tomita.